



1

MA-3303-2018

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE HIRDESH

ON THE 1st OF APRIL, 2026MISC. APPEAL No. 3303 of 2018*LAKHAN KUMAR RAJAK**Versus**SMT. KAMLESH JATAV AND OTHERS*

.....
Appearance:

Shri Alok Katare - Advocate for the appellant.

Shri Badri Nath Malhotra- Advocate for respondent No.2.

.....

ORDER

The instant Miscellaneous Appeal under Section 173(1) of the Motor Vehicles Act, 1988 has been filed by the appellant by challenging the impugned Award dated 01.09.2016 passed by the Second Additional, Motor Accident Claims Tribunal, Morena (in short "the Claims Tribunal") in Motor Accident Claim Case No.09/2015.

2. Along with the appeal, the appellant has filed I.A. No. 3075 of 2018, an application under Section 5 of the Limitation Act seeking condonation of delay in filing the present appeal. As per the office report, there is a delay of 581 days in filing the appeal.

3. Learned counsel for the appellant submitted that appellant is a driver by profession and earns his livelihood with great difficulty. Due to his poor financial condition, he was not in a position to arrange the requisite 50% of the awarded amount for deposit, which was mandatory for preferring the



appeal. In addition thereto, the counsel who appeared before the Claims Tribunal neither informed the appellant about the outcome of the claim case nor advised him regarding the necessity of recording his statement before the Tribunal. Owing to such negligence and lapse on the part of the counsel, the appellant remained unaware of the passing of the award and, consequently, could not file the appeal within the prescribed period of limitation. Learned counsel submits that the delay in filing the present appeal has occurred solely on account of the aforesaid bona fide reasons and not due to any deliberate inaction or negligence on the part of the appellant. As per the law laid down by the Hon'ble Apex Court, a litigant should not be made to suffer for the fault or negligence of his counsel. Reliance was placed on the judgment passed by the Supreme Court in the case of **Balwant Singh (dead) Vs. Jagdish Singh and Others reported in (2010) 8 SCC 685**. It is, therefore, submitted that the delay of 581 days in filing the present appeal is bona fide and sufficiently explained. Hence, the application filed under Section 5 of the Limitation Act deserves to be allowed and the delay in filing the appeal be condoned in the interest of justice.

4. Learned counsel for the respondent/Insurance Company opposed the application and submitted that the appellant has failed to explain the inordinate delay of 581 days by showing any sufficient cause. The grounds of financial difficulty and alleged negligence of counsel are vague and unsubstantiated. It is further submitted that the appellant was required to be vigilant about his own case and cannot shift the entire blame on the counsel. Hence, the application under Section 5 of the Limitation Act deserves to be



dismissed as barred by limitation.

5. Heard learned counsel for the parties and perused the record.

6. The law regarding condonation of delay is well-settled. While a liberal approach is generally adopted in matters arising from the Motor Vehicles Act, being a social welfare legislation, the term "sufficient cause" cannot be expanded to the extent of rendering the Law of Limitation redundant.

7. The Hon'ble Supreme Court in the matter of *Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy*, (2013) 12 SCC 649, observed that "the concept of liberal approach has to encapsulate the conception of adjudication of disputes on merits and not to enable a party to take the law for granted. Lack of bona fides imputable to a party seeking condonation of delay is a significant and relevant fact." Similarly, in the matter of *Postmaster General v. Living Media India Ltd.*, (2012) 3 SCC 563, the Hon'ble Apex Court held that in the absence of a plausible and acceptable explanation, the delay cannot be condoned mechanically.

8. Having considered the submissions advanced by learned counsel for the parties and upon perusal of the record, this Court is of the considered opinion that the appellant has failed to make out a sufficient cause for condonation of the inordinate delay of 581 days in filing the appeal. The explanation offered is vague, general and does not satisfactorily account for the entire period of delay. Mere plea of financial difficulty and bald allegation of negligence on the part of the earlier counsel, without any supporting material, cannot be accepted as a valid ground under Section 5 of



the Limitation Act. Even though the Motor Vehicles Act is a beneficial legislation, the law of limitation cannot be applied in a mechanical or casual manner. In the absence of bona fides and due diligence on the part of the appellant, this Court finds no justification to condone the delay.

9. In view of the aforesaid discussion, this Court finds that the appellant has failed to establish sufficient cause for condoning the delay of 581 days in filing the appeal.

10. Accordingly, I.A. No. 3075 of 2018 filed under Section 5 of the Limitation Act seeking condonation of delay is **dismissed**. Consequently, as the application for condonation of delay stands dismissed, the present Miscellaneous Appeal also stands **dismissed as barred by limitation**.

(HIRDESH)
JUDGE

AVI